

REMARKS

Claims 1-15 are all the claims pending in the application. By way of this Amendment, Applicant has canceled claim 15 in order to overcome the § 112 (second paragraph) rejection thereof.

The Examiner has rejected claims 1-14 under § 103(a) as being unpatentable over Ursel, et al. (U.S. Patent No. 5,178,237) in view of Evans (U.S. Patent No. 4,006,802). For the following reasons, Applicant respectfully traverses this rejection.

The invention is directed to a system for a parking brake of a motor vehicle which includes a linear actuator which is strong and very quick. The actuator 10 includes a stationary rigid casing 12, a motor means 13, 14 for imparting rotational movement to a rotary member 15, a tubular nut element 22 coupled in rotation to the rotary member and having both external threads 21 and internal threads 23. The external threads 21 cooperate with the thread 20 fixedly joined to the casing in order to move the nut along the axis. The internal threads cooperate with threads 24 associated with longitudinal rod 11. By virtue of this arrangement, upon actuation of the motor 14, the rotary member 15 is rotated which causes the tubular nut element 22 to rotate. This, in turn, causes the rod to move rapidly inwardly or outwardly depending on the direction of rotation of the motor. It is submitted that the prior art does not teach or suggest the system recited in claim 1.

Ursel, et al. discloses a very basic power assisted hand brake for a motor vehicle. Specifically, Ursel, et al. merely discloses a motor 26 which drives a rotary spindle 24 to cause rotation thereof. A nut 23 is threaded on the rotary spindle such that rotation of the spindle causes the nut 23 (which is prevented from rotating) to move longitudinally along the spindle.

Thus, at most, Ursel, et al. discloses an actuator which includes a rigid casing, and a motor for imparting rotary movement to the rotary spindle 24.

In the rejection, the Examiner contends that the threaded nut 23 corresponds to the claimed tubular nut element 22. However, this cannot be so. In particular, according to claim 1, the tubular nut element is coupled in rotation to the rotary member 15 so as to rotate therewith. This is shown in Figure 2 of the subject application wherein it can be seen that the tubular nut element 22 is coupled in rotation to the rotary member 15 through the rods 16. In contrast, as clearly described in column 3, lines 23 and 24, the threaded nut 23 of Ursel, et al. is prevented from rotating. In this manner, rotation of the spindle 24 causes the threaded nut to move longitudinally along the spindle. On this basis alone, it is respectfully submitted that the rejection is unsupported. That is, even if one were to somehow modify the Ursel, et al. device in the manner suggested by the Examiner, one would not arrive at the claimed invention for the reasons discussed above.

Moreover, it is submitted that the Examiner has failed to establish a *prime facie* case of obviousness. More particular, recognizing the extensive deficiencies of Ursel, et al., (e.g., the failure to disclose the important features of the invention regarding the tubular nut element having internal and external threads which respectively mate with the external threads of the rod 11 and the internal threads of the casing 12), the Examiner contends that Evans teaches this features and that the claimed invention would therefore have been obvious to one of ordinary skill in the art. However, the Examiner's obviousness determination is simply illogical and unsupported. Specifically, the Examiner states:

1. *It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the co-operating external and*

*internal threads of Evans with the screw mechanism of Ursel, et al.
because with threaded member, it will not rotate when the brake is
mechanically adjusted.*

As an initial matter, Applicants respectfully submit that Evans is not at all pertinent to the claimed invention. Specifically, Evans is not even directed to a parking brake, but rather to a caliper brake arrangement. Furthermore, Applicant is at a loss as to how the proposed modification would result in an arrangement in which the threaded member “will not rotate when the brake is mechanically adjusted.” Specifically, it not understood how the proposed modification would actually improve this aspect of the Ursel, et al. design. As recited in the Abstract, Ursel, et al. already discloses a hand brake which functions to disconnect the nut 23 so that the hand-operated level can be used to manually operate the brake. Thus, the brake can either be manually operated or power operated.

In view of the foregoing, it is respectfully submitted that independent claim 1 and its dependent claims patentably distinguish over the cited art. It is therefore respectfully submitted that the application is in condition for allowance. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

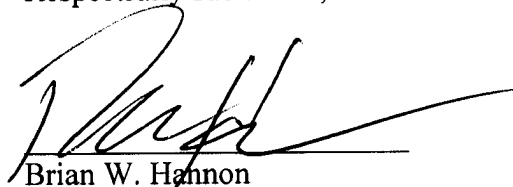
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/525,091

Atty. Docket No.; Q86222

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Brian W. Hannon
Registration No. 32,778

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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